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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND  
PROTECTION OF MINORITIES

Forty-sixth session

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 2 August 1994, at 3 p.m.

Chairman: Mrs. ATTAH

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The meeting was called to order at 3.10 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 6) (continued)

The situation in Rwanda (continued) (E/CN.4/1995/7; E/CN.4/S-3/3 and 4)

1. Mrs. GWANMESIA said that, in the light of the statements made by previous speakers and of the daily reports on radio and television, the Sub-Commission could not attempt to remain aloof from the gruesome deaths of the helpless people of Rwanda.
2. Apart from endeavours to bring to book those responsible for what was happening there, the most important question related to the fate of the survivors or victims of that cruel war, namely, the issues of the resettlement and rehabilitation of the refugees and displaced persons. The problems requiring solutions included resettlement and housing, reconciliation of the two tribes, education, health care and food. The Sub-Commission should make proposals to the competent authorities for concrete solutions based on serious studies.
3. Mr. GUISSÉ said that the tragedy in Rwanda had occurred within the framework of the characteristic powerlessness of the United Nations, which had neither the means nor the policy to cope with it. All it had were international instruments which States failed to respect or enforce. That was a most disturbing situation, since it suggested that the only possible remedy available to weak peoples was no longer of any value and that recourse to force would once again be the only solution. The lamentable failure of the United Nations to deal with the problems of Rwanda was evidence of the Organization's incapacity to keep its promise to prevent wars.
4. International law defined genocide very precisely and entrusted the responsibility for dealing with it to the international community of all States. The concept had, however, lost all its meaning, and other concepts which weakened it and made it ineffective had been introduced. Therein lay the seeds of the destruction of the United Nations.
5. In the case of Rwanda, it was difficult to allocate responsibility between the States that had taken direct action and those that had acted through other States or groups of individuals, and serious and thorough inquiries were needed to determine the precise responsibilities of both categories of States.
6. The Rwandese people had never manufactured weapons of mass destruction, which had been supplied by other countries. In fact, 85 per cent of the weapons currently being used in the world reportedly came from the five permanent members of the Security Council, to which the extent of domestic or international conflicts should thus come as no surprise.

7. At the national level, the responsibility must be established with the greatest accuracy. It must not be limited to the leaders of political, ethnic or military groups but must also extend to all those who had received orders to kill and had carried them out, since a person obeying a manifestly illegal order incurred a responsibility in law as great as that of his superior who gave the order.
8. It was important to establish a link between the responsibility of States and individuals since that would make it possible both to punish the perpetrators of violations and to lay the foundations for the damage done to be made good by those States which had benefited financially from their arms sales.
9. In Africa, colonialism and neo-colonialism had left, or were currently creating, profound divisions. Artificial frontiers supported by particular international Powers had led to situations of latent conflict almost everywhere. The conflict in Rwanda was a result of the brutal colonialism imposed.
10. For its part, the Organization of African Unity (OAU) had distinguished itself by its absence at all levels from the initiatives taken to help the Rwandese people, who had adhered not only to the purposes and principles of the United Nations but also to the Charter of the OAU. As things stood, the OAU was incapable of contributing anything whatsoever to the relief of the Rwandese people. It was the responsibility of every member of the international community to do what it could to help.
11. Ms. PALLEY, having noted that previous speakers had stressed the causes of the conflict, the need to rehabilitate the victims and the importance of establishing proper machinery to punish those responsible, said she wished to draw attention to certain gaps in the institutional arrangements. The Commission on Human Rights had actually pointed out the way in the historic resolution it had adopted at its third special session in May 1994, in which it underlined the need for the international community to move with speed to protect civilians and deliver humanitarian assistance, a task that could be most effectively accomplished within the framework of the United Nations.
12. Unfortunately no proper framework for the protection of people existed. In the case under consideration, her brain deplored the dangerous precedent that had been created when another country (France) had sent troops into Rwanda while her heart welcomed the fact that the French intervention had saved many lives, despite the lack of any proper basis for such an action. The United Nations should have been ready to undertake the operation, instead of failing to discuss the matter until it was too late.
13. It was thus necessary to take a hard look at the United Nations Charter, at the organs responsible for acting under it in that regard, and at the relationships between them. In short, a United Nations international police force was needed. The long-term reason for the lack of such a force had been the cold war. Currently, it was a lack of political will: States did not want to intervene in remote parts of the world. The Commission on Human

Rights had devoted a mere 20 minutes to Rwanda at its most recent session, and the Security Council had reduced the United Nations force in Rwanda when the trouble had started.

14. All members of the Sub-Commission were well aware of what could still happen in Burundi. However, no Government wanted to look at the situation there too closely, owing to an unwillingness to commit resources. Even if some institutional framework were eventually set up, States would probably be prepared to look into their own backyards but not thousands of miles away. Nevertheless, it was important to examine the possibility of establishing the proper institutional machinery, because institutions created their own impetus. Once they existed, consideration had to be given to the question of whether they should be used. The Sub-Commission was thus right to retain on its agenda the whole question of humanitarian assistance, humanitarian intervention and the protection of civilians.

15. Although, in the past, she had been taken to task for straying into areas for which other United Nations bodies were responsible, she considered that armaments were very much a matter for the Sub-Commission and agreed with what Mr. Guissé had said about the supply of weapons to Rwanda. There was, however, an unfortunate tendency to try and shift the blame. In Rwanda, many more people had been hacked to death with pangas than had been shot. The blame must therefore be placed not just on outside Powers but also on the local people who had allowed themselves to be exploited.

16. Mr. KHALIL said that, when the Arusha Agreement had been signed in 1993, it had been hoped that the parties would take the path of peace but, when the Presidents of both Rwanda and Burundi had been killed in an aircraft crash, systematic massacres had taken place with the consequences known to all. A campaign of hate had been mounted, and militias had been formed. Even before the crash of the aircraft, there had been many violations of human rights, particularly of the right to life, and there were some indications that a plot had been hatched before the crash.

17. While he agreed with all those speakers who deeply deplored what was happening in Rwanda, he wondered what the Sub-Commission could do about it. Some kind of new idea that went beyond a mere statement of condemnation of those responsible was required - some kind of practical procedure. In that connection he agreed with what had been said by Ms. Warzazi and Ms. Palley.

18. Mr. UL-HAKIM said that, while there had been much talk about the situation in Rwanda, too little had been done and too late. Half a million people had already died, and many others would surely do so. The French initiative was much appreciated but the French troops were being withdrawn.

19. There was a need for humanitarian aid to save lives. In that connection, he thought that the Secretary-General should have recommended that a group of States with the capacity to do so should take over the administration of Rwanda for a period of some six to nine months. A United Nations military presence would restore confidence in a situation in which each ethnic group was attempting to exterminate the other and in which 2 million persons had sought refuge in neighbouring countries.

20. It was not impossible to station United Nations troops in Rwanda quickly. In other cases such an operation had taken only five or six days. The reasons why the situation had arisen could be determined later, and a genocide tribunal, staffed by persons from countries with no previous connection with Rwanda, could be set up. Consideration might also be given to the possibility of partitioning the country between the two ethnic groups, although that would require the presence of the United Nations forces. The action he was suggesting was, perhaps, drastic but the problem was a colossal one. There was no institutional gap to be filled, since the Security Council had the power to act along those lines.

21. Mr. JOINET said that he would like to provide the Sub-Commission with some information he had acquired during his recent visit to Rwanda and Burundi.

22. It was his understanding that the three members of the commission of inquiry would be: Mr. Atsu Kofi Amega, former President of the Supreme Court and former Minister of Foreign Affairs of Togo; Mrs. Habi Dieny, Minister of Justice of Guinea; and Mr. Salifou Fomba, Professor of International Law and member of the International Law Commission, of Mali.

23. He agreed with the statement made by Mr. Bossuyt at the previous meeting, including his reference to the responsibility of the former colonial Powers and his proposal for a three-level structural form for the inquiry. The problem should not, however, be reduced to the level of a former colonial issue. The first priority was to stop the killing and, in that connection, the problem was how force could be used to prevent atrocities such as those currently being perpetrated in Rwanda.

24. He had also been struck by the extent to which information was being blatantly manipulated in Rwanda to perpetuate the infernal cycle of hatred and killing. In the former Yugoslavia, also, there had been a sort of intoxication with false views, false rumours and exaggerated media reports with the result that people, on hearing a rumour, had reacted blindly to it within minutes. Such disinformation should, in his view, be punished as, in fact, it made the authors of the disinformation accomplices to genocide.

25. An additional point was that experience in the neighbouring country of Burundi demonstrated clearly that further thought must be given to the system of advisory services and technical assistance. The processes of development and democratization entailed two stages, namely, pluralism of parties and free elections. If a situation was a consequence of history - in the current case colonial history - and free elections were introduced without cultural adaptation to a multi-party system, the result would be that the majority ethnic group would accede to power. In such a situation, the reflex response of the members of a minority ethnic group was to conclude that, as there was no mechanism to protect them, they must hold on to power at all costs. Thus, for example, in Burundi, where the United Nations had a very large assistance programme for judges, 98 per cent of the judges in question were Tutsi, although the Tutsi ethnic group was a minority in the country.

26. Mr. EL-HAJJE said that he wished to endorse the statements made by Ms. Warzazi, Mr. Joinet and Mr. Bossuyt. The same situation of massive disinformation and its consequences had existed in his own country, Lebanon.

27. What had struck him most forcibly in the case of Rwanda was the basic non-recognition of the human rights of others. The question therefore arose as to what could be done in the future to correct that situation and to make the people of Rwanda understand and respect the rights of others.

28. Mrs. FORERO UCROS said that, while the situation in Rwanda had its roots in history, what was currently most important was to put an end to the tragedy. An immediate solution to the refugee problem must be found so as to encourage the refugees to return home. For months on end, the international community had done little more than watch the horrendous massacres in Rwanda and, only when the situation had assumed catastrophic proportions, had it begun to bestir itself and to provide some totally inadequate help when it was almost too late.

29. As the Special Rapporteur had requested in his report (E/CN.4/1995/7), humanitarian aid must be intensified in order to alleviate the terrible suffering of the people. Effective help was also needed for the reconstruction of Rwanda on the basis of political reconciliation. There could be no future for Rwanda on the basis of ethnic hatred and war. The Sub-Commission, as well as continuing to gather information on what was happening in Rwanda, must make an urgent appeal for reconciliation in which it should record the consensus of its views.

30. Means must be found of putting an end to the violence and genocide and of alleviating the plight of the refugees and facilitating their return home. In that connection, the recommendations of the Special Rapporteur on the subjects of reconciliation and the prevention of incitement to ethnic hatred through the information media were of fundamental importance.

31. Ms. DAES said that those guilty of genocide in Rwanda must be brought to justice as soon as possible, through due process, and punished. That must be an integral part of the reconciliation process. Rwanda had then to be reconstructed into a peaceful society and the international community must assist the country to overcome the crisis and to rebuild its fabric.

32. She suggested that, as a token of sympathy, the Sub-Commission should send a telegram, through the Commission on Human Rights, expressing its sympathy with the people of Rwanda, especially the victims and vulnerable groups, and stating that the Sub-Commission would continue to keep the matter under review.

33. Mr. FAN Guoxiang said he wished to associate himself with the statements made by his African colleagues, particularly Mrs. Gwanmesia.

34. Whatever measures might be adopted by the international community, there were three points that must be stressed. They were: the need to settle and rehabilitate the people of Rwanda; the need for stability, in which connection, an appeal should be addressed to the various parties to achieve national reconciliation; and the international community must render

assistance, despite the fact that many people felt that nothing could be achieved without the cooperation of the local population and neighbouring countries.

35. Mr. EIDE said that lessons could be drawn from the Yugoslav experience as some of the problems faced by the United Nations in Rwanda were similar to those which had arisen in the former Yugoslavia.

36. The first essential was to stop the killing forthwith. One approach would be to attempt to influence the parties to negotiate. It had been shown however that those who had started the conflict were untrustworthy so that negotiations would be a very tricky process. Moreover, it must be recognized that some of those involved in the fighting were criminals and should thus be excluded from the negotiations. However, the only alternative was the use of force.

37. On the issue of reconciliation, the focus of each ethnic group was on its own rights, with little concern for the rights of other ethnic groups. It was essential to ensure recognition of the fact that human rights were for everyone. Many NGOs were engaged in that arduous task.

38. One of the lessons of the former Yugoslavia was that persons who were in the territory for the purposes of humanitarian assistance became hostages and provided a pretext for not taking forceful action. Much frustration had stemmed from that attitude. Moreover, in the former Yugoslavia, the peace negotiators had been reluctant to support the process of accountability for atrocities because the guilty were often the people with whom they were negotiating.

39. Nevertheless, the issue of accountability and the prosecution of those guilty of atrocities must be emphasized if similar situations were to be prevented from occurring in the future. There must be no impunity. Since, however, the first priority had always to be given to stopping the killing, the issue of accountability tended to fade into the background. It was absolutely essential, however, that human rights concerns should be given full priority even in such situations.

40. Mr. UWIRAGYE (Pax Christi International) said that he was a member of the Twa tribe in Rwanda who had been asked by Pax Christi International to present its statement to the Sub-Commission.

41. He had come to Geneva from Rwanda to inform the international community, and the Sub-Commission in particular, about the real situation prevailing in Rwanda, because the truth concerning the genocide perpetrated against various peoples by the Government and the attempted liquidation of all opposition was not fully understood.

42. The tragedy of human suffering was unimaginable and the lack of effective intervention by the international community was tragic. His own Twa people were and continued to be innocent victims of that situation.

43. Pax Christi International had studied the report by the Special Rapporteur on the human rights situation in Rwanda (E/CN.4/1995/7) with great

attention. The alarming situation described in that report continued to worsen and, accordingly, Pax Christi International urged the Sub-Commission to appeal to the member States of the Commission on Human Rights to convene urgently a special session of the Commission in order to discuss the situation in Rwanda, examine the recommendations of the Special Rapporteur and propose effective action.

44. Mr. ENNACEUR (Observer for Tunisia) said that his Government had been among the first to support the convening of the third special session of the Commission on Human Rights in May 1994 to consider the situation in Rwanda. It had also joined those which had called for the establishment of a fact-finding mission to identify those responsible for the genocide and other crimes in Rwanda. Those Governments had also emphasized that it was the duty of the international community to bring such persons before an appropriate international tribunal for trial and, if found guilty, appropriate punishment. His delegation had also supported the proposal that a special rapporteur be appointed to investigate the human rights situation in Rwanda.

45. The President of Tunisia, who was currently Chairman of the Organization of African Unity (OAU), had made several appeals to the Heads of State and Government of the African and the industrialized countries regarding the situation in Rwanda. At the Tunis Summit Meeting of Heads of State and Government of African countries, held in June 1994, he had urged African leaders to provide military contingents for Rwanda and had appealed to the neighbouring countries to ensure security for the safe transportation of urgent relief supplies. He had also appealed to the Heads of State and Government of the Group of Seven, at their meeting in Naples, to make an effective contribution to the restoration of peace in Rwanda. On 24 July 1994, he had also made an urgent appeal to the international community to provide aid to the affected populations and had invited the various parties in Rwanda to set aside their differences and to work together for national reconciliation and the unity of their country.

46. At the Pledging Conference for Rwanda, which was currently being held, Tunisia had pledged an important contribution of food, medicines and equipment. In addition, a medical and paramedical team was to accompany the large Tunisian military contingent that was shortly to leave for Rwanda.

47. The international community must make every effort to prevent the further extension of the conflict or its repetition in the future. It must also provide assistance to the Rwandese refugees returning home, so that they might recover their right to dignity, peace and security.

48. Mr. JOKONYA (Observer for Zimbabwe), speaking on behalf of the African Group in Geneva, said that the Group was appalled that the world seemed to be distancing itself from the horrors in Rwanda. It was only recently - since the mass exodus to Zaire - that the international community had been galvanized into action. It had been erroneously stated that Africa seemed to be indifferent to the tragedy, probably because the African Governments had insufficient control of the mass media and were unable to publicize the considerable efforts being made by the Organization of African Unity (OAU) and the countries bordering upon Rwanda, the United Republic of Tanzania in particular.

49. In fact, the massive international resources being poured into Rwanda were far less than the resources and energy the poor neighbouring countries had had to deploy to assist Rwanda.

50. Zimbabwe had also been trying to help; it was one of the few countries that had not pulled its forces out of Rwanda when the tragedy had unfolded. His Government was ready to deploy further troops in the proposed peace-keeping operation, had decided to pledge a significant amount of grain and was assisting the United States with the logistic operations in Rwanda. United States Air Force planes were operating from a base at Harare, airlifting supplies to Rwanda.

51. Mr. EKSTEEN (Observer for South Africa) said that his delegation fully endorsed the statement by the observer for Zimbabwe regarding the contributions made by neighbouring countries to alleviating the sufferings of the Rwandese refugees. His own country's contribution was currently being elaborated on in the Rwanda Pledging Conference.

52. Important as it was, however, for the international community to meet the current humanitarian needs of Rwanda, it was no less important to find a durable political solution. Rwanda had a long history of internal tensions and human misery. To remedy that situation the Government of National Unity and the other parties in Rwanda must make every effort to promote national reconciliation. It was vital that the necessary conditions be created to enable all Rwandese to return to their homes in safety.

53. It was timely therefore that human rights monitors be deployed on the ground in Rwanda. Not only would they contribute to much-needed confidence-building, they would also work against propaganda while promoting the safety of the returnees. His Government also supported the early establishment of an international tribunal to try the perpetrators of the genocide.

54. Mr. TEITELBAUM (American Association of Jurists) said that there was no doubt as to the responsibility of France for training, arming and facilitating the increase from 8,000 to 40,000 men of the army and militias which had perpetrated the recent acts of genocide. That was what in criminal law was called necessary complicity.

55. Some recent events which should be of concern to the Sub-Commission were Operation Turquoise - implicitly authorized by the Security Council - and the baneful consequences thereof. He had used the word "implicitly" because he had been unable to find in any of the Security Council resolutions any specific authorization for France to mount such an operation which - on a humanitarian pretext which did not stand up to the slightest analysis - consisted in facilitating the flight of the perpetrators of the genocide and creating two safe havens for them.

56. That strange humanitarian Operation Turquoise was made up of elite troops with considerable fire-power. They had at their disposal exceptional communication and intelligence resources. They included former instructors of the Rwandese Armed Forces (FAR), one of whom, Col. Didier Thibaut, former

military adviser to President Habyarimana, had frankly stated to the press that the purpose of the mission was to "break the Rwandese Patriotic Front (FRR)".

57. Those circumstances had led to the exodus of more than a million people, representing the greatest humanitarian catastrophe of the kind in the current century. The objective of that, largely provoked, mass exodus was clear: to establish an operational base for a future counter-offensive. Another objective, which had already been accomplished, was that all the perpetrators of the genocide were in safe havens.

58. It was untrue that no troops had been available to strengthen the United Nations Assistance Mission to Rwanda (UNAMIR), since several African countries had offered to collaborate. Obviously, the appropriate infrastructure for deploying those troops would have had to be provided by the major Powers. They had, however, preferred to leave the field free for Operation Turquoise, which was an operation to serve de facto impunity for the perpetrators of the genocide, with the implicit approval of the Security Council.

59. Radio Mille Collines (RTLM) continued to incite to genocide and to spread panic, having moved its transmitters from place to place, and was currently reported to be broadcasting from the so-called humanitarian safe area and from Zaire. Neither France nor the Security Council had done anything to silence that genocidal radio station. In the circumstances, the non-governmental organization, Reporters Sans Frontières, had decided to set up a radio station in Zaire, to try to provide objective information to the Rwandese population and counteract the disastrous effects of RTLM.

60. The Sub-Commission, in its capacity as a body of independent experts, should point out the responsibilities of the Government of France and the Security Council with regard to the events in Rwanda and demand that the Convention on the Prevention and Punishment of the Crime of Genocide be strictly applied; that the French troops illegally occupying part of the territory of Rwanda be immediately withdrawn; that UNAMIR be strengthened forthwith, with full logistic support from the major Powers; and that prompt measures be adopted to ensure the return to Rwanda, in safe and healthy conditions, of the hundreds of thousands of refugees. It should also demand that effective arrangements be made to apprehend and prosecute those responsible for the genocide.

61. Mr. YOKOTA said that allegations had been made regarding the inadequacies of the United Nations institutions in Rwanda, but they had been doing their utmost to cope with a humanitarian situation of unprecedented magnitude and to alleviate the suffering there. They were woefully lacking in resources, particularly material resources such as means of transportation. Even more importantly, strong moral support should be given to those agencies and to their overworked and discouraged staff members.

62. The Sub-Commission should appeal to the Governments of the Member States and to non-governmental entities, including business corporations, to help the various United Nations agencies in carrying out their mandates. It should

adopt a statement or resolution to give encouragement to the people working in Rwanda and to the agencies, non-governmental organizations and governmental entities there, expressing full support for their activities.

63. Ms. PALLEY said that the International Law Commission had just completed a draft Statute for the International Criminal Court and its recommendations covered genocide of the kind perpetrated in Rwanda. The Sub-Commission would do well to acquaint itself with the work being done concerning the future International Criminal Court before taking action of its own so as to prevent delay and duplication of effort.

64. Ms. WARZAZI said that there was no major obstacle to the General Assembly amending the Convention on the Prevention and Punishment of the Crime of Genocide to incorporate an adequate mechanism for its implementation. A proposal to that effect should be included by the Sub-Commission in its resolution on Rwanda and would probably meet the concerns that had been expressed.

65. Ms. DAES said she agreed that the Convention on the Prevention and Punishment of the Crime of Genocide needed to be revised, but pointed out that article VI of the Convention referred specifically to the establishment of an international penal tribunal and suggested that the Sub-Commission's recommendation should include a proposal that the provision in question be implemented. As for the concern expressed by Ms. Palley, the Sub-Commission had already examined the Convention and was thus competent to formulate a recommendation regarding appropriate action in Rwanda.

66. Mr. YIMER said that, according to his information, the International Law Commission had completed a draft Statute for the International Criminal Court and would be submitting it to the forthcoming session of the General Assembly.

67. Mr. EL-HAJJE said that the draft being prepared by the Working Group of the Commission on Human Rights would probably be adopted in 1995.

68. Mr. JOINET said that the Sub-Commission would benefit from a briefing on the progress made in the Commission on Human Rights. He thought that the apparent ambiguity inherent in the Convention on the Prevention and Punishment of the Crime of Genocide with regard to political genocide flew in the face of common sense and should be eliminated.

69. Replying to a question from Mr. ALFONSO MARTINEZ concerning the time available to the Working Group on the administration of justice and compensation, he said that it could not discuss all the issues before it exhaustively at one session. However, the crisis in Rwanda and the issue of the elimination of impunity through the administration of justice was of immediate and current interest to the Working Group.

70. Mr. EIDE suggested that the Working Group should itself decide whether or not to go further into the matter. He agreed that the ambiguity referred to by Mr. Joinet seriously limited the scope of the Convention.

71. Mr. KHAN said that, although the Security Council had been seized of the crisis in Rwanda, there was a grey area with regard to genocide in international law and in particular with regard to the circumstances in which the Security Council could legitimately intervene in a crisis. Under Article 24 of the Charter, intervention was possible only if international peace and security were threatened or an act of aggression perpetrated. It was regrettable that the Security Council might feel it was unable to apply enforcement measures in Rwanda under Chapter VII of the Charter, because the situation did not appear to meet the strict criteria of Article 24.

72. The aim of any discussion regarding an amendment to the Convention on the Prevention and Punishment of the Crime of Genocide should therefore be to ensure that genocide would henceforth be regarded per se as a threat to international peace and security and therefore grounds for enforcement measures by the Security Council. In the meantime, the Sub-Commission should give a clear indication to the Security Council that the situation in Rwanda posed a threat to international peace and security in the terms of the Charter and that action needed to be taken under Chapter VII.

73. Mr. YIMER recalled that, under the terms of Article 39 of the Charter, the Security Council had considerable discretion in deciding whether or not a given situation required enforcement measures. In his own interpretation of that Article, genocide could in itself constitute grounds for intervention. Intervention in the form of humanitarian enforcement action was already possible, although the Charter contained no specific provisions therefor.

74. Mr. KHAN said that in practice, the Security Council had not normally invoked Chapter VII in order to intervene in situations which did not appear to pose a threat to international peace and security under the strict terms of the Charter.

75. Mr. ALFONSO MARTINEZ said he doubted whether intervention by the Security Council would be appropriate in Rwanda, since Article 24, paragraph 2, of the Charter appeared to rule out any such intervention by the Security Council to resolve purely humanitarian problems. Moreover, the use of force to resolve a humanitarian crisis might be regarded as a contradiction in terms.

76. Mr. GUISSSE said he supported the idea of establishing a body to implement the Convention on the Prevention and Punishment of the Crime of Genocide and provide assistance to States such as Rwanda going through periods of crisis. He was opposed, however, to the idea of including the specific notion of political genocide in the Convention, since that might create confusion regarding the definition of genocide and weaken the Convention, thus making it difficult to provide adequate protection for threatened ethnic groups.

77. Mr. GWAM (Observer for Nigeria) said that the horrific abuses of human rights in Rwanda posed a daunting challenge to the Commission on Human Rights and to humanity as a whole. It was vital that the Sub-Commission and the entire United Nations system should address the humanitarian and legal issues raised by the crisis in that country. The Sub-Commission should condemn in the strongest terms the mass murders that had been perpetrated in Rwanda and had driven countless thousands of peoples to seek refuge in neighbouring States where they were facing death from disease. The failure of the

international community to prevent that tragedy suggested that efficient early-warning mechanisms would have to be established to prevent similar occurrences elsewhere.

78. Technical assistance would have to be given by the international community to the Rwandese Government to enable it to fulfil its pledge to prosecute those responsible for the human rights violations. For its part, the Sub-Commission should appeal to the international community for continued humanitarian assistance to Rwanda and should recommend that the Centre for Human Rights make its advisory services and technical assistance programmes available to the Government of Rwanda.

#### ORGANIZATION OF WORK

79. Mr. ALFONSO MARTINEZ said that the Latin American Group had appointed him to the Working Group on methods of work of the Sub-Commission. It had also appointed Mr. Bengoa to the Working Group on the administration of justice and the question of compensation.

80. Mr. EIDE said that the Western group had appointed Ms. Palley to the Working Group on the administration of justice and the question of compensation and himself to the Working Group on methods of work of the Sub-Commission.

The meeting rose at 5.35 p.m.